

148. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound decreases activity of efp, wherein efp is isolated from a prokaryotic organism.

149. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound decreases activity of efp, wherein efp is isolated from a bacteria.

150. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound decreases activity of efp, wherein efp is isolated from a bacteria selected from the group consisting of *E. coli*, *S. aureus*, *S. pneumoniae*, *H. influenzae*, and an *Enterococcus* species.

REMARKS

Claims 1-8, 15-18, 140 and 141 are pending in the present application. Claims 1-3 have been cancelled herein. Claims 4-8, 15-18, and 141 have been amended herein. New claims 142-150 have also been added herein. No new matter has been added. Upon entry of the present amendment, claims 4-8, 15-18, 140-150 will be pending. Applicants have amended all claims to be independent. **Because the amendments to the claims remove issues for appeal (i.e., indefiniteness and enablement), Applicants respectfully request that they be entered into the record. See, M.P.E.P. § 714.12.**

I. The Claims Are Clear And Definite.

Claims 1-8 and 15-18 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Advisory Action asserts that the phrase “increases or decreases” is indefinite. Although Applicants disagree, solely to advance prosecution of the present application, the claims have been amended according to the Examiner’s recommendation. Claims 4-8 and 15-18 have been amended to recite “increases” and new claims 142-150, which recite “decreases,” have been added. No new matter has been added. Thus, the claims are definite within the meaning of § 112. *In re Mercier*, 185 U.S.P.Q. 774 (C.C.P.A. 1975) (claims sufficiently define an invention so long as one skilled in the art can determine what subject matter is or is not within the scope of the claims). Accordingly, Applicants request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

II. The Claimed Invention Is Enabled

Claims 1-8, 15-18, 140 and 141 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to provide a disclosure that is enabling for the full scope of the claims. Although Applicants maintain that one skilled in the art would be able to practice the claimed invention without being required to perform undue experimentation, solely to advance prosecution of the present application, Applicants have amended the claims in a manner recommended by the Examiner. In particular, claims 1-3 have been cancelled without prejudice to their presentation in another application. In addition, claims 4-8 and 15-18 have been amended to recite “increases.” Further, new claims 142-150 have been added and which recite “decreasing.” Accordingly, Applicants request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

III. Conclusion

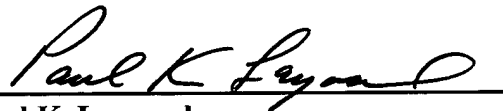
Although Applicants disagree with the assertions in both the Final Rejection and Advisory Action, Applicants have amended the claims in the manner recommended by the Examiner. Applicants trust that the present claims are in condition for allowance and an early notice of the same

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is earnestly solicited. If, for any reason, the present application fails to proceed to allowance, the Examiner is encouraged to contact Applicants' undersigned representative at (215) 564-8906. Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul K. Legaard", is written over a horizontal line.

Paul K. Legaard
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Date: **October 29, 2001**

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1-3 have been cancelled.

New claims 142-150 have been added.

Claims 4-8, 15-18 and 141 have been amended as follows:

4. (Amended) [The method of claim 3] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and

(b) determining whether said compound binds to efp by measuring the intrinsic fluorescence of efp and determining whether said intrinsic fluorescence is increased or decreased by said binding, wherein said intrinsic fluorescence of efp is measured as a function of the tryptophan residue(s) of efp.

5. (Amended) [The method of claim 4] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and

(b) determining whether said compound binds to efp by measuring the intrinsic fluorescence of efp and determining whether said intrinsic fluorescence is decreased by said binding, wherein said intrinsic fluorescence of efp is measured as a function of the tryptophan residue(s) of efp, wherein said fluorescence of efp is measured and compared to the fluorescence intensity of efp in the presence of the compound, wherein a decrease in fluorescence intensity indicates binding of efp.

6. (Amended twice) [The method of claim 1 further comprising step:] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound;

- (b) determining whether said compound increases activity of efp; and
- (c) determining whether said compound which [modulates] increases the activity of efp [modifies] increases the activity of other protein(s) essential for the functioning of efp.

7. (Amended) [The method of claim 6] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound;
- (b) determining whether said compound increases activity of efp; and
- (c) determining whether said compound that increases the activity of efp increases the activity of [wherein said other protein essential for the functioning of efp is] L16 protein.

8. (Amended) [The method of claim 2 wherein step (b) comprises] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound binds to efp by a binding assay selected from the group consisting of gel electrophoresis, Western blot, filter binding, and scintillation proximity assay.

15. (Amended twice) [The method of claim 1] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound increases activity of efp, wherein efp is isolated from a natural source.

16. (Amended) [The method of claim 15 wherein said natural source is] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and

(b) determining whether said compound increases activity of efp, wherein efp is isolated from a prokaryotic organism.

17. (Amended) [The method of claim 16 wherein said prokaryotic organism is] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and

(b) determining whether said compound increases activity of efp, wherein efp is isolated from a bacteria.

18. (Amended) [The method of claim 17 wherein said bacteria is] A method for identifying a compound that increases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and

(b) determining whether said compound increases activity of efp, wherein efp is isolated from a bacteria selected from the group consisting of *E. coli*, *S. aureus*, *S. pneumoniae*, *H. influenzae*, and an *Enterococcus* species.

141. (Amended) [A method of claim 140] A method of modulating the activity of L16 protein comprising contacting said L16 protein in association with efp with an oxazolidinone compound, wherein said L16 protein in association with efp is in a cell or cell preparation.

142. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and

(b) determining whether said compound binds to efp by measuring the intrinsic fluorescence of efp and determining whether said intrinsic fluorescence is increased or decreased by said binding, wherein said intrinsic fluorescence of efp is measured as a function of the tryptophan residue(s) of efp.

143. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and
- (b) determining whether said compound binds to efp by measuring the intrinsic fluorescence of efp and determining whether said intrinsic fluorescence is decreased by said binding, wherein said intrinsic fluorescence of efp is measured as a function of the tryptophan residue(s) of efp, wherein said fluorescence of efp is measured and compared to the fluorescence intensity of efp in the presence of the compound, wherein a decrease in fluorescence intensity indicates binding of efp.

144. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound;
- (b) determining whether said compound decreases activity of efp; and
- (c) determining whether said compound which decreases the activity of efp increases the activity of other protein(s) essential for the functioning of efp.

145. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound;
- (b) determining whether said compound decreases activity of efp; and
- (c) determining whether said compound that decreases the activity of efp decreases the activity of L16 protein.

146. (New Claim) A method for identifying a compound that decreases the activity of prokaryotic elongation factor p (efp) comprising the steps of:

- (a) contacting efp with a compound; and

(b) determining whether said compound binds to efp by a binding assay selected from the group consisting of gel electrophoresis, Western blot, filter binding, and scintillation proximity assay.

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